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SENSITIVE
SIPDIS

DEPT PASS TO USTR-AGAMA; USTDA - JOHN MARIN; EXIM - JOHN RICHTER AND USAID/AFR FOR ATWOOD
BAGHDAD FOR MCCULLOUGH
ROME PASS TO TSA REP JOHN HALINSKI
DAKAR PASS TO FAA MOIRA KEANE
TREASURY FOR PETERS AND HALL
USDA/FAS/OTP FOR MCKENZIE
DEPT OF TRANSPORTATION FOR FAA MEL CINTRON, AHARRIS
DOC FOR 3317/ITA/OA/KBURRESS AND 3130/USFC/OIO/ANESA/MCREED

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TAGS: [EAIR](#) [ECON](#) [EINV](#) [ETRD](#) [PGOV](#) [PREL](#) [EFIN](#) [NI](#)

SUBJECT: NIGERIA-USG MAKING HEADWAY BUT STILL LOOKING FOR TAILWIND TO BOOST AVIATION PUBLIC-PRIVATE PARTNERSHIP

REF: A. ABUJA 168

[¶](#)B. LAGOS 40

[¶](#)C. 08 ABUJA 2313

SENSITIVE BUT UNCLASSIFIED; BUSINESS PROPRIETARY INFORMATION; NOT FOR DISSEMINATION OUTSIDE USG

[¶](#)1. (SBU) Summary. Ambassador met with Nigerian Civil Aviation Authority (NCAA) Director General Dr. Harold Demuren February 20 to review progress since NCAA, Nigerian, and U.S. firms met in November for a public private-partnership (PPP) aviation workshop. Demuren was very positive stating that Nigeria has completed four of the eight critical elements required for Category 1 status, and has made headway on the remaining four, but needed more support and assistance. Demuren thanked the Ambassador for the USG's continued support and highlighted that the nation's aviation infrastructure is not moving forward with the same zest or zeal as the NCAA's efforts toward

Category 1 status. He encouraged the Ambassador to assist in spurring industry and the Nigerian government (GON) to a higher commitment toward completing the infrastructure and capacity building requirements, hopefully by expanding the PPP to include these requirements. Ambassador said that we could look at possible follow-on workshops in 2009 to encourage industry action; provide expertise to teach runway maintenance; move ahead on an already offered TSA visit and have the Datt's offices carry out a mock disaster exercise. She also will meet soon with the new Minister of Aviation Mr. Babatunde Omotoba and discuss the PPP as well as Delta Airlines issues. End Summary.

[¶](#)2. (SBU) In an effort to keep the pressure on Nigeria toward attaining Category 1 status from the U.S. Federal Aviation Authority (FAA), the Ambassador met with Dr. Harold Demuren, Director General of the NCAA, on February 20 to review the progress of the Civil Aviation Safety and Security PPP. Defense Attaché (DATT) and newly arrived Maritime Assistance Officer attended with EconOff as notetaker. Dr. Demuren thanked the Ambassador for the Mission's support in conducting the PPP Aviation Workshop in Abuja November 17 and 18, 2008 and the subsequent seminar in January 2009 for Search and Rescue (SAR). He emphasized that these two events were the first in Nigeria's history, putting the government/regulator

together with the airline operators and aviation support services. He presented a favorable progress report, but underscored that the GON still needed additional assistance.

ACCOMPLISHMENTS

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¶ 13. (SBU) Demuren reported that work toward the Category 1 rating had been moving forward with vigor. He stated that Nigeria has completed four of the eight critical elements required for Category 1 status, and has made headway on the remaining four, noting positive amendments have been completed to the following laws:

-- Nigerian Airspace Management Agency Act (NAMA) 1999;
-- Federal Airports Authority of Nigeria (FAAN) Act 1996; and
-- Nigerian Meteorological Agency (NIMET) Act 2003:

Amendments were made addressing conflicts between the Civil Aviation Act 2006 and NAMA, FAAN, and NIMET Acts. The four completed critical elements include legislation, regulation, technical guidance, licensing and certification.

¶ 14. (SBU) The next planned activities with the FAA are:

-- A management review on March 23 - 25, 2009;
-- On the job training for safety inspectors scheduled for two weeks in March 2009;
-- A training course on compliance and enforcement from April 27 to May 8.

Demuren added that more support and assistance was needed.

¶ 15. (SBU) Demuren said three Nigerian carriers (Arik, Virgin Nigeria, and Bellview) were designated to fly on U.S. routes with Arik the most likely to be ready first. Moreover all

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three carriers will attend an FAA course reviewing Category 1 in Dakar, Senegal on April 21 - 22, 2009. The Dakar conference will focus on economic authority, Transportation Security Agency (TSA), and FAA regulations to conduct a ramp inspection, which is authorized as FAA 14 Code of Federal Regulations (CFR) Part 129 foreign-registered aircraft. (Note: We believe Arik might not be as quite as ready to commence U.S. flight services as they advertise. Arik is not a member of the International Air Transport Association (IATA) and is not certified under IATA Operational Safety Audit program (IOSA). IATA membership and IOSA certification are industry-standards that enable airlines to work together, e.g. codeshare, from a common platform. For other airlines to work (e.g. codeshare) with Arik (with Arik as a non-IATA member and not certified under IOSA) on a Nigerian -U.S. route for example, they would have to customize their procedures for Arik, and that would be costly. Arik is working toward IATA membership and IOSA certification. End Note.)

NEXT STEPS

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¶ 16. (SBU) Ambassador conveyed that there is still a misunderstanding regarding the civil aviation industry and the Ministry of Aviation on what is needed for Nigerian airlines to fly to the U.S. While this was covered very thoroughly at the November 2008 workshop it needs to be handled again in its own forum. It was agreed to have both the TSA and FAA conduct a session specifically for the Nigerian industry with a single topic and "punch list" for the carriers to understand their role and requirements toward flying direct routes to the U.S. and accomplishing their individual roles in the Category 1 process. The first seminar will be held at the Embassy by TSA on March 17, 2009. The second session will be held in two parts, first with FAA conducting a meeting in Lagos on April 23 to address its "punch list". A follow-on PPP Safety and Security Workshop will be held in May 2009 in Lagos focusing on infrastructure/runway management, search and rescue, and a mock disaster exercise. DATT offered to identify U.S. resources toward assisting this workshop and the mock exercise.

NOT YET SAFE SKIES

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¶ 17. (SBU) Demuren underscored that accidents in 2005 spurred the

adoption of the Civil Aviation Act in 2006, the 2006 International Civil Aviation Organization (ICAO) Universal Safety Oversight Audit Program (USOAP) and the desire to achieve Category 1. (Note: USOAP objective is to conduct aviation safety oversight audits to identify deficiencies and encourage their resolution by countries. The program is managed by ICAO Safety Audit Oversight Section. End Note.) Although progress has been made, Demuren lamented that Nigeria's infrastructure improvements have not kept pace. Both NAMA and FAAN require significant capital budget supplementals, as well as operational reforms. In addition, manpower development is an ongoing problem that the GON desperately needs help with.

¶8. (SBU) Demuren continued by noting that the aviation parastatals will benefit from the World Bank Economic Reform and Governance Project (ERGP) and World Climate Application and Service Program (WCASP), but there is an urgent need for a stronger commitment from both industry and the GON. He recommends these areas for further focus as the PPP moves forward. For example, of the 21 airports in the country, only the Murtala Muhammed International Airport in Lagos and Nnamdi Azikiwe International Airport in Abuja can boast of limited radar coverage, which is currently not working at all. The November 2009 deadline to complete the Total Radar Coverage of Nigeria (TRACON) program is unlikely to be met because progress has been slow. Problems have developed with the French firm - Thales - which is manufacturing and administering the project. In addition, communications between airport towers is very poor and handoff and instructions sometimes interrupted or unclear.

Comment

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¶9. (SBU) The technical assistance from the FAA began when the first team arrived in Lagos January 14, 2008. Despite some hiccups the FAA and NCAA have moved a long way and the partnership has been productive. In private Demuren told us that he targets September 2009 for Nigeria's quest for Category 1 certification; however, the FAA team believes it will likely take at least one more year. The U.S. Mission has committed much time and effort to supporting the NCAA and the GON in attaining Category 1, but if the GON does not increase support to infrastructure and capacity issues success will be questionable.

¶10. (SBU) The top worries in the quest for safer skies in Nigeria center on continued performance toward Category 1 certification. Demuren is clearly the driver and pace setter for the achievement of this quest. He has the leadership skills necessary to keep the pace. If he were to get caught up in some political intrigue and be removed from office the forward movement would likely be lost. In addition, there is deep concern over neglect and decay in airport infrastructure and how this will play in Nigeria's safety and security record. The cost of decades of corruption is catching up with Nigeria and current budget constraints may leave little money available for infrastructure repairs and improvements.

¶11. (U) This cable was coordinated with Consulate Lagos.

SANDERS